



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/203,223	11/30/1998	RAJESH KANUNGO	23668.001739	3941

22434 7590 01/14/2004
BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/14/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/203,223

Applicant(s)

KANUNGO, RAJESH

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 7/30/2003 have been fully considered but they are not persuasive.

1) Applicant argues the 112 1st and 2nd rejections of the previous office action with regards to the new non-video content limitation to claims 1, 6-8 and 11. In particular that webpage 302 has a video area 304, which is separate and distinct from advertisement 320 and text 322 (Page 5).

Regarding applicants argument 1, the examiner agrees that the application discloses that video area 304 is for video only and advertisement 320 and text 322 are shown in a different area. Figure 3b of the application shows a web page 302 which includes a video window 304' advertisement 320 other content 322 and controls window 310 all of which are contained and integrated within the web page 302, these areas "are implemented as widgets generated by the applet, but they also could be implemented as part of the page described by HTML." (Page 9, lines 14-16 of the application). Claim 1 requires a number of virtual control API functions that control the display of video data on the web page, wherein the video data is not integrated with the non video content of the web page. Webster's dictionary defines Integrate as "1:to form, coordinate or blend together into a function or unified whole, 3 b: incorporated into a larger unit." Claim 1 is silent as to whether the video 304' advertisement 320 and other content 322 are displayed as separate frames or windows or displayed in altogether entirely different regions of webpage 302. Clearly, video window 304' is part of web page 302's content,

as disclosed by the applicant, and thus integrated with all of the other content within the webpage such as other content 322 and advertisement 320. As such, the phrase "wherein the video data is not integrated with the non video content of the web page." is not well understood and runs counter to applicants Figures 3a-d where the video data is shown as being integrated as part of the web page.

2)Applicant argues "Therefore, the system described by Killian requires that ALL video data must be integrated with one or more of the audio/video overlays 32 prior to be sent for display on the television 40 since there is not direct signal between the tuner/decoder 24, for example, and the television 40. In this way, Killian only provides a display having Internet related information (i.e. web page content) fully integrated with a TV signal in the form of, for example, an electronic guide shown in Fig. 5 and does not teach or suggest having Internet related information being displayed without being integrated with video data (see above)." (Pages 5-6).

Regarding argument 2, Killian discloses that typically, regular television video is displayed in a first area on the television 40 and that internet information may be displayed in a second display area, the first and second areas can be moved, sized, merged blended, overlaid or manipulated according to the JAVA applet (column 5, lines 11-50). Claim 1 requires a number of virtual control API functions that control the display of video data on the web page, wherein the video data is not integrated with the content of the web page. Webster's dictionary defines integrate as: "to form, coordinate, or blend into a function or unified whole: UNITE." As the Internet information is displayed in a second area from the video information , the Internet information is not

integrated with the video information. Additionally, Alexander is cited to show a display with a number of separate windows, which include video and other information.

3) Applicant argues, "The examiner also believes that Killian "inherently contains a PIP object and PIPinfo object which are utilized for the display and control of an EPG control panel"... The applicant respectfully disagrees since Killian never mentions the use of a separate window to control the EPG." "As discussed above with reference to Killian, "All video data must be integrated with one or more of the audio/video overlays 32" and therefore Alexander can not be used in combination with Killian since Alexander requires at least the video window 12 not be integrated with the EPG content which can not be accomplished using the system of Killian."(Page 6)

Regarding argument 3, Killian discloses that EPG applet 70 or JAVA application 62 is downloaded from the internet to run on platform 12 and processor 8, the applet retrieves information for display, and controls the display of video data as well as controlling receiver functions (column 8, lines 5-56, column 13, line 12-column 14, line 16), a JAVA based operating system is run on platform 12, and a control API 60 which controls the placement of video as well as the video's properties such as video position, brightness, contrast. (column 6, line 6-column 7, line 32). As Killian teaches the use of a JAVA OS run on platform 12, it inherently contains a PIP object and PIPinfo object because such an applet is required in order to interact with the rest of the system and communicate with the JAVA enabled hardware. Additionally, Killian discloses that typically, regular television video is displayed in a first area on the television 40 and that internet information may be displayed in a second display area, the first and second

Art Unit: 2611

areas can be moved, sized, merged blended, overlaid or manipulated according to the JAVA applet (column 5, lines 11-50). Alexander is relied upon as it discloses an EPG display 10, with a video window 12, which is shown in its own separate window, rather than the display area as taught by Killian. Modifying Killian to include the separate windows of Alexander would result in a JAVA enabled EPG display where the windows are controlled by a JAVA application and the content of each window may or may not be associated with the video window.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 6-8 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "wherein the video data is not integrated with any content of the web page" is not supported by the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 6-8 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. The claims require the use of an applet to control displayed video on a webpage, however the video is not integrated with the page. If video is displayed as part of a web page it is integrated with the webpage as the html code and java applet controls related to the video are also part of the web page's code whether the video is displayed in an area separate from internet content, or the video is displayed in a window/frame/panel within the webpage itself. Webster's dictionary defines Integrate as "1: to form, coordinate or blend together into a function or unified whole, 3 b: incorporated into a larger unit." Fig. 3(b) of the application shows a video window 304', advertisement 320, other content 322 and panel 310, in separate areas of webpage 300, but they are integrated together to form the whole web page.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 4-9, 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,163,316 to Killian in view of U.S. Patent 6,177,931-B1 to Alexander.

Regarding claim 1, Killian discloses a Java enabled television system which utilizes Java applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7,

line 7), the Java applet receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21), and calls via the applet the necessary API functions to control the display of video data on a web page, Internet information and television broadcasts may be displayed in two separate displays areas within the display of television 40, alternatively they may be overlaid, moved, sized, blended, merged or manipulated via a java applet (column 5, lines 11-50). Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as Java objects are essential for both the creation and operation of a Java applet and the communications of the applet with the hardware and software which it is being run on. Killian does not disclose the use of an applet where the video data is not integrated with the content of a web page. Alexander discloses in Figure 1, an EPG display 10 with a video window 12 in which video is not integrated with the displayed EPG content, the EPG content may be downloaded from an internet website (column 3, lines 1-20, column 8, lines 18-64). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of Killian to control the video in a separate window as shown by Alexander thereby enabling a user to view preview a program and navigate programming simultaneously.

Regarding claims 2 and 12, Killian discloses a Java enabled TV system in which switching between TV and video input is controlled by a Java applet (column 4, lines 20-24, column 6, lines 77-31, column 7, lines 25-32).

Regarding claim 4, Killian discloses that the Java enabled TV system can turn the video on and off (column 6, line 60-column 7, line 7).

Regarding claim 5 and 14, Killian discloses that the Java enabled TV system can change the channel (column 13, lines 44-51).

Regarding claims 6 and 11, Killian discloses a Java enabled television system which utilizes Java applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7, line 7), the applet is created and run on processor 8 (Figure 1, column 3, lines 12-18) the Java applet receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21) from buttons pressed on remote control 42, and calls via the applet the necessary API functions to control the display of video data on a web page on the TV/receiver hardware (column 6, line 60-column 7, line 7), Internet information and television broadcasts may be displayed in two separate displays areas within the display of television 40, alternatively they may be overlaid, moved, sized, blended, merged or manipulated via a java applet (column 5, lines 11-50). Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as Java objects are essential for both the creation and operation of a Java applet and its communications with the hardware and software which it is being run on. Killian does not disclose the use of an applet where the video data is not integrated with the content of a web page. Alexander discloses in Figure 1, an EPG display 10 with a video window 12 in which video is not integrated with the displayed EPG content, the EPG content may be downloaded from an internet website (column 3, lines 1-20, column 8, lines 18-64). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of

Killian to control the video in a separate window as shown by Alexander thereby enabling a user to view preview a program and navigate programming simultaneously.

Regarding claim 7 Killian discloses a Java enabled television system which utilizes Java coded applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7, line 7), the applet is created and run on processor 8 (Figure 1, column 3, lines 12-18), receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21) from buttons pressed on remote control 42, and calls via the applet the necessary API functions to control the display of video data on a web page on the TV/receiver hardware (column 6, line 60-column 7, line 7), Internet information and television broadcasts may be displayed in two separate displays areas within the display of television 40, alternatively they may be overlaid, moved, sized, blended, merged or manipulated via a java applet (column 5, lines 11-50). Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as a Java objects are essential for both the creation and operation of a Java applet and its communications with the hardware and software which it is being run on. Killian does not disclose the use of an applet where the video data is not integrated with the content of a web page. Alexander discloses in Figure 1, an EPG display 10 with a video window 12 in which video is not integrated with the displayed EPG content, the EPG content may be downloaded from an internet website (column 3, lines 1-20, column 8, lines 18-64). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of

Killian to control the video in a separate window as shown by Alexander thereby enabling a user to view preview a program and navigate programming simultaneously.

Regarding claim 8, Killian discloses a Java enabled television system which utilizes Java applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7, line 7), the Java applet receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21), and calls via the applet the necessary API functions to control the display of video data on a web page, Internet information and television broadcasts may be displayed in two separate displays areas within the display of television 40, alternatively they may be overlaid, moved, sized, blended, merged or manipulated via a java applet (column 5, lines 11-50). Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as Java objects are essential for both the creation and operation of a Java applet and the communications of the applet with the hardware and software which it is being run on. Killian does not disclose the use of an applet where the video data is not integrated with the content of a web page. Alexander discloses in Figure 1, an EPG display 10 with a video window 12 in which video is not integrated with the displayed EPG content, the EPG content may be downloaded from an internet website (column 3, lines 1-20, column 8, lines 18-64). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of Killian to control the video in a separate window as shown by Alexander thereby enabling a user to view preview a program and navigate programming simultaneously.

Regarding claim 9, Killian discloses a Java enabled TV system in which switching between TV and video input is controlled by a Java applet (column 4, lines 20-24, column 6, lines 77-31, column 7, lines 25-32).

Claims 3, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,163,316 to Killian in view of 6,177,931-B1 to Alexander in further view of U.S. Patent 5,594,510 to Sakakibara.

Regarding claims 3, 10, and 13 Killian discloses a Java enabled TV system in which switching between TV and video input is controlled by a Java applet (column 4, lines 20-24, column 6, lines 77-31, column 7, lines 25-32). The combined system of Killian and Alexander does not disclose a display function for switching between broadcast frequency and cable frequency. Sakakibara discloses in Figure 3, an over the air antenna 34, cable input 35 and a switch 36 (column 2, lines 9-15). Therefore it would have been obvious to one skilled in the art at the time of invention to modify the Java controlled switching apparatus of the combined system of Killian and Alexander to accept and switch between both CATV and over the air broadcasts as taught by Sakakibara in order to allow a television view to still watch cable TV programming even if the CATV line goes out of service and to allow for the viewing of stations not carried by a CATV provider.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,005,565 to Legall: Integrated Search of Electronic Program Guide,
Internet and Other Information Resources.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-
305-3234. The examiner can normally be reached on Monday-Friday during normal
business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for
the organization where this application or proceeding is assigned is 703-308-5359.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is 703-305-
4700.

HBL



VIVEK SRIVASTAVA
PRIMARY EXAMINER